

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 21<sup>st</sup> day of August, 2006 the City Council of the City of Aransas Pass convened in a Regular Council Meeting immediately following a Workshop of the City Council being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Jesus Galvan, Mayor  
Dorothy Roberts, Mayor Pro Tempore  
Frank Hametner, Council Member  
Grace Chapa, Council Member  
Tommy Knight, Council Member

ABSENT: None

ADMINISTRATIVE PERSONNEL PRESENT: Scott Thompson, City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT: None

STAFF PRESENT: Darren Gurley, Director of Public Works  
Darrell Jones, Police Chief  
Frank Truitt, City Inspector  
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Lou McCleese, Richard Wolfe, Don Williams, Ralph and Lu Arcemont, Beth Wilson, Ann P. Melton, Jim and Alpha Covington, Margaret Garrett, J. Moreno, Brock Vardsveen, Hope Comingore, Belinda Ritz, Tencha Keiser, Bob Keiser, Dave and Pam Martin, Earl Buckmaster, Ernie Torres, Patty Gilden, Rosemary Upton, Eva Young, Lulu Spriggs, Duehl and Joyce Falor, Becky and David Hutchins, Arnold Govella, Darlene Boehnke, Gary Boehnke, Jerry Anderson, Wilma Anderson, Carolyn Casterline, Stephen Carper, Thomas Hargrave, Jay Masterson, Nancy Schoenfeld, Irene Irey, Grant Erickson, Joyce Butler

(There may have been others present who did not sign in).

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Galvan called the meeting to Order at 6:23 p.m. on August 21, 2006.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.**

Council Member Hametner gave the Invocation.

Mayor Pro Tempore Roberts led the Pledge of Allegiance to the United States Flag and the Texas Flag.

**ITEM 3. CITIZEN'S COMMENTS.**

Mrs. Margaret Garrett commented on the lack of harbor information in the proposed budget and questioned an entry for \$50,000.00 that she stated may have been to pay a debt to attorneys for APDG. Mrs. Garrett also commented on a grant received from Texas Parks & Wildlife, and on the seawall property ownership.

When asked by Mayor Galvan, Mrs. Garret stated she wanted to see the harbor cleaned up, the streets repaved, leased to different types of businesses, and pumpout station open 24/7. Mrs. Garrett suggested half of the building on the harbor being used by the boxing club could be shared with a local theatre group and that the City should work on the harbor management plan. She also discussed the condition of the boat ramp, charging parking fees in lieu of launch fees, leasing small parts of the harbor to different businesses so they can turn the harbor into a marina, environmental issues, and ridding the harbor of sunken boats.

**ITEM 4.**

**CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.**

A. Approval of Minutes of a Regular Meeting of August 7 and Special Council Meeting of August 11, 2006.

Consider and Act on Accepting a ten foot (10') utility easement from Texas Pizza Corporation for the sum of one dollar (\$1.00). This easement will allow the City to install utility service to the Walgreen project.

Mayor Pro Tempore Roberts made the motion to approve the Consent Agenda. Council Member Knight seconded the motion and the motion carried unanimously.

**ITEM 5.**

**CONSIDER AND ACT ON REQUEST OF IRON GATOR, INC. TO ANNEX 48.589 ACRES OF LAND EMBRACING LOTS 7, 8, 9, 10 AND 11 OF LANDBLOCK 4, T.P. MCCAMPBELL SUBDIVISION AND EXTEND CURRENT CITY LIMITS TO ENCOMPASS THESE TRACTS.**

This Item was tabled in the August 7, 2006 Council Meeting.

Council Member Hametner made the motion to untable Item 5. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

Mr. Brock Vardsveen stated this was the third and last piece of property to be annexed for Iron Gator.

**ITEM 6.**

**APPROVAL OF ORDINANCE NO. 2006-3901 - ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ARANSAS PASS, TEXAS, PURSUANT TO ARTICLE 43.028, TEXAS LOCAL GOVERNMENT CODE; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED, PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT OWNERS AND INHABITANTS THEREOF SHALL BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO**

**BE HEREINAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tempore Roberts made the motion to approve Ordinance 2006-3901 annexing adjacent and contiguous territory to the City of Aransas Pass, Texas. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 7.**

**PUBLIC HEARING ON PROPOSED TAX RATE.**

This item was canceled. The San Patricio County Tax Collector/Assessor rescheduled the Public Hearing for August 31 and September 5, 2006.

**ITEM 8.**

**PRESENTATION OF CERTIFICATION OF SUFFICIENCY FOR THE INITIATIVE PETITION TO CITY COUNCIL.**

The City Secretary presented the Certification of Sufficiency for the Initiative petition to the City Council.

**ITEM 9.**

**CONSIDER AND ACT ON SETTING A DATE AND TIME FOR THE PUBLIC HEARING ON THE INITIATIVE PETITION WHICH CREATES AN ORDINANCE PROHIBITING THE SALE OF CONN BROWN HARBOR PROPERTY WITHOUT A VOTE OF THE PEOPLE.**

The City Attorney, responding to Mayor Galvan's question regarding the wording of Initiative petition, stated the Charter provides that upon an initiative petition being presented and certified by the City Secretary that if the Council accepts the proposed ordinance as submitted the Council needs to act upon the ordinance within 60 days. If the Council believes the ordinance needs to be changed or Council is not going to act on the ordinance at all, that would also have to be done within 60 days, and the ordinance would be submitted to the voters at the next State election.

Mr. Lawrence stated the proposed ordinance says that the sale of any City owned property in and around Conn Brown Harbor shall be submitted to the voters. He stated he did not know what "around" meant, whether that meant within 100 yards of Conn Brown Harbor or within 10 feet or the entire City. A public hearing needs to be set to decide what Council is going to do.

Mayor Pro Tempore Roberts stated the Council should set a date for a public hearing and Council Member Hametner agreed.

Council Member Knight made the motion to set the public hearing for the Initiative petition on September 13, 2006 at 6:00 p.m. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 10.**

**PRESENTATION OF CERTIFICATION OF SUFFICIENCY FOR THE PETITION FOR RECALL OF MAYOR JESUS GALVAN TO THE CITY COUNCIL.**

The City Secretary presented the Certification of Sufficiency for the petition for the recall of Mayor Jesus Galvan to the City Council.

**ITEM 11.**

**PRESENTATION OF CERTIFICATION OF SUFFICIENCY FOR THE PETITION FOR RECALL OF MAYOR PRO TEMPORE DOROTHY ROBERTS TO THE CITY COUNCIL.**

The City Secretary presented the Certification of Sufficiency for the petition for the recall of Mayor Pro Tempore Dorothy Roberts to the City Council.

**ITEM 12.**

**CONSIDER AND ACT ON ORDERING A RECALL ELECTION AND SETTING THE DATE OF THE RECALL ELECTION.**

The City Attorney stated the Charter provides that upon certification of the recall petitions by the City Secretary, which has been done, and upon the City Secretary sending out the proper notices, which she has done, and as there have been no resignations as a result of those notices, that the City shall call an election. He stated he had talked with and received a letter from the Election Division of the Secretary of State's Office and was told the election needs to be held in November 2006.

Council Member Knight asked the City Attorney the Charter says Council "shall" order the election in 60 days, that means the Council has to (order the election)?

The City Attorney stated that was right.

Council Member Hametner made the motion to call a recall election and set the date of the recall election on November 7, 2006 in regards to the Mayor and Mayor Pro Tem. Council Member Knight seconded the motion and the vote was Council Member Hametner, Council Member Knight and Mayor Pro Tempore Roberts for; Mayor Galvan and Council Member Chapa against. The motion carried 3-2.

**ITEM 13.**

**CONSIDER A RESOLUTION AUTHORIZING TAX RESALE OF LOT 1, BLOCK 545, ARANSAS PASS TOWNSITE.**

This item was tabled in the August 7, 2006 council meeting.

Council Member Hametner made the motion to untable Item 13. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

After discussion Council Member Knight made the motion to approve the tax resale of Lot 1, Block 545 to Mr. Andrew Blankenship for \$1,700.00. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 14.**

**RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session at 7:11 p.m.

- A. Section 551.072, Deliberation about Real Property, Conn Brown Harbor

**ITEM 15.**

**RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT  
ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened at 8:22 p.m.

- A. Section 551.072, Deliberation about Real Property, Conn  
Brown Harbor

Mayor Galvan stated there was no action needed.

**ITEM 19.**

**ADJOURNMENT OF MEETING.**

Mayor Galvan adjourned the meeting at 8:23 p.m.

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Jesus R. Galvan, Mayor

ATTEST:

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Ada Owens, City Secretary